

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert Germick, et al.

Serial No.: 09/904,794

Filed: July 12, 2001

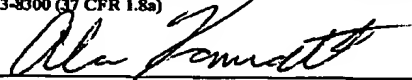
Title: FOOD PRODUCTS, ESPECIALLY
REFRIGERATED YOGURT
PRODUCTS, AND APPARATUS
AND METHODS FOR THEIR
PRODUCTION

Docket No.: 5468 (formerly 9649-108)

Confirmation No. 1785

Group Art Unit: 1761

Examiner: Steven Weinstein

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COMMISSIONER FOR PATENTS, P.O. BOX 1450,
ALEXANDRIA, VA 22313-1450, ON MAY 8, 2006 TO FAX NO.:
571-273-8300 (37 CFR 1.8a)RESPONSE

Dear Sir:

In response to the Office communication mailed February 7, 2006, the undersigned wishes to make the following comments:

REMARKS

The undersigned wishes to extend appreciation to Examiner Weinstein for the courtesies extended in a telephonic conference of May 8, 2006. The substance of that telephonic conference is hereby confirmed and expanded upon.

Before discussing the merits, it is respectfully requested that French et al. (6,284,294) utilized in the rejection of the claims be listed on Form PTO-892 so that consideration thereof is indicated on the face of the issued patent based upon the above application.

It should be appreciated that none of the prior art discloses introducing food through a duct extending at an acute angle between the inside and outside surfaces and where such duct is formed in a supply tube received within a fill tube in a manner as recited in claim 21 of the present application.